

REMARKS

Please cancel claims 1-5, 12, 20, and 33 without prejudice. Claims 6-10, 15-19, 21-32, 34-38, and 42 remain pending in the application. Claims 6, 15, 21, 26, 28, 34, and 36 have been amended. The Applicant wishes to thank the Examiner for participating in a telephone interview on April 12, 2004. As discussed in that interview, Applicant has chosen to pursue the claims with allowable subject matter and cancel, without prejudice, the claims indicated above.

Allowable Subject Matter

Claim 6-10, 20-21, 23, and 26 are objected to as being dependent upon a rejected base claim. Claims 6 and 26 have been rewritten in independent form and thus are in condition for allowance. Given that dependent claim 20 was deemed allowable, claim 33 is also presumed to be allowable. Therefore, claims 15 and 28 have been amended to include the limitations from claims 20 and 33, respectively, and thus are also in condition for allowance. Claims 7-10, 16-19, 21-25, 27, 29-32, 34-38, and 42 depend from and further limit claims 6, 15, 26, and 28 and therefore are also in condition for allowance.

Rejections of the Information Disclosure Statement

The information disclosure statement filed June 20, 2000 has been amended to provide dates for items AO-AR and BO-BR. A supplemental information disclosure statement was filed separately on April 2, 2004, and a copy of the 1449 Form is enclosed for the Examiner's reference at Exhibit A. The dates for items AP-AR and BO-BR reflect the date the Applicant received the material. Further information such as the original publication dates of the items is unknown and is not readily available to the Applicant. Applicant believes that this constitutes a complete reply in conformance with the requirements of 37 CFR 1.105 and M.P.E.P 704.12(b).

Rejections of the Drawings

The table originally contained in FIGS. 2g-2i of the original specification was reformatted as FIGS. 2g-2k when the formal drawings were prepared. The reformatting was done strictly to enhance the readability of the table and no new matter was added. The specification has been amended to correspond to the formal drawings.

Rejections Under 35 U.S.C. §101

Claims 15-27 stand rejected under 35 U.S.C. §101 as being directed toward non-statutory subject matter. Claim 15, from which claims 16-27 depend, has been amended to delete the apparatus limitation. Therefore, claim 15 does not mix statutory classes, and the rejection under 35 U.S.C. §101 should be withdrawn.

Rejections Under 35 U.S.C. §112

Claims 1-10, 12, 15-38, and 41-42 stand rejected under 35 U.S.C. §112 as being indefinite for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention.

Claims 15-19, 21-25, and 27: Claim 15, from which claims 16-19, 21-25, and 27 depend, has been amended to delete the apparatus limitation. Therefore, claim 15 does not mix statutory classes, and the rejection under 35 U.S.C. §112 as to claims 15-19, 21-25, and 27 should be withdrawn.

Claims 6-10, 28-32, 34-38, and 42: The term "accurately," which the Examiner has deemed ambiguous, has been deleted from independent claims 6 and 28. Therefore, the rejection under 35 U.S.C. §112 as to independent claims 6 and 28 and dependent claims 7-10, 29-32, and 42, which depend from and further limit claims 1 and 28, should be withdrawn.

Claims 12, 25, and 38: The Examiner has stated that claims 25 and 38 which recite "wherein said saved results are provided to said user in the form of a graph" are not clear insofar as the information to be displayed in the graph. The Applicant contends that this limitation is clear in light of

the specification. The Examiner's attention is, respectfully, drawn to Fig. 6b which depicts one example of the type of information that may be displayed in a graph. Page 32, lines 1-5 of the written description also include an example of the type of information that may be graphed. Because the limitations found in claims 25 and 28 are clear, the rejection under 35 U.S.C. §112 as to these claims should be withdrawn.

Rejections Under 35 U.S.C §102 & §103

All of the independent claims in this application, claims 6, 15, 26, and 28, have been rewritten to include subject matter which the Examiner has deemed allowable. Therefore all §102 and §103 rejections of these independent claims and the claims which depend from these independent claims should be withdrawn.

Conclusion

It is respectfully submitted that independent claims Claims 6-10, 15-19, 21-32, 34-38, and 42 are in condition for allowance. Should the Examiner deem that any further amendment is desirable to place this application in condition for allowance, the Examiner is invited to telephone the undersigned at the below listed telephone number.

Respectfully submitted,



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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on April 27, 2004.


Gayle Conner